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The Honorable P. Kevin Castel
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York NY 10007-1312

RE: Erika Suquilanda v. Cohen & Slamowitz, LLP, et al
Case No. 1:10-cv-05868-PKC

Dear Judge Castel:

Pursuant to Paragraphs 1(C) and 2(A)(1) of the Court's Individual Practices, and Local Civil Rule 37.2, Plaintiff Erika Suquilanda, by and through her undersigned counsel of record, hereby requests an informal conference with the Court. In light of the previous stay of discovery, the numerous parties to this action, and the intervening holidays, the parties have agreed to move the Court to extend the date for completion of all fact discovery for a period of sixty (60) days.

The Civil Case Management Plan and Scheduling Order originally set a March 1, 2010, date for the completion of all fact discovery, and stayed discovery as to Defendants Encore Capital Group, Inc., MRC Receivables Corporation and Midland Credit Management, Inc. (See Docket # 17). On January 1, 2011, the Court granted the application to stay discovery as to Defendant Cohen & Slamowitz, LLP, pending the Court's ruling on the Defendants' motions to dismiss. (See Docket # 36). On September 8, 2011, the Court ruled on the motions to dismiss, granting and denying them in part. (See Docket # 38). On October 7, 2011, the Court issued a Revised Case Management Plan and Scheduling Order which extended the date for the completion of all fact discovery to January 20, 2012.

The previous discovery stay combined with the intervening holidays provides good cause for an extension of the discovery period in this multiparty case. For example, Plaintiff anticipates deposing each Defendant by and through its corporate representative designated pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. Plaintiff also anticipates deposing a separate officer or managing agent for at least two Defendants (one for Cohen & Slamowitz, LLP, and one or more for the Encore Defendants). Depending on the nature and substance of the prospective testimony, additional written discovery requests including

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*On October 7, 2011
I already extended
discovery in this
case. I will
grant me FINAL
extension of fact
discovery to March 16, 2012
All expert discovery
to be completed by May 4, 2012.
Conference adjourned from February
10, 2012 to April 13 at
3 PM.
58 ORDERED.
SDJ
1-4-12*

interrogatories pursuant to Local Civil Rule 33.3(c), and specific document requests may be necessary. However, based on the correspondence between all counsel of record, it seems unlikely that depositions of any party can be scheduled earlier than the first week of January, 2012. Accordingly, absent the Court's granting the extension requested, Plaintiff will be unable to propound any post-deposition discovery requests. Should any Defendant notice the deposition of Plaintiff, the same issue would arise.

Additionally, the Encore Defendants have served responses to Plaintiff's first set of written discovery request. After reviewing these responses Counsel for Plaintiff believes that Rule 37 motion practice may be necessary to obtain certain information to which Counsel for Plaintiff thinks Plaintiff is entitled. However, should certain information be made available through the subject depositions, any prospective discovery dispute may become more limited in scope, or may be resolved by the agreement of the Parties. The requested extension is designed to provide counsel with sufficient time following the depositions to re-evaluate discovery matters and prepare any motions that, at that time, still seem necessary.

Counsel for Plaintiff respectfully submits that Counsel for all Defendants have agreed to the sixty (60) day discovery extension requested, and that all parties and the Court would benefit as a result of the Court granting it. On the other hand, the parties may be prejudiced if the Court does not grant the extension. Accordingly, Counsel for Plaintiff respectfully submits that good cause exists for the Court to extend the date for completion of all fact discovery for a period of sixty (60) days.

Respectfully submitted,

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